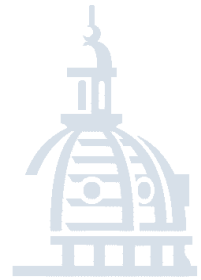


## **Fiscal Note**

*Fiscal Services Division*



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### **HF 280** – Guardian ad Litem Payments (LSB1344HV)

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Fiscal Note Version – New

Requested by Representative Mark D. Smith

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### **Description**

House File 280 relates to Guardian ad Litem in certain criminal cases. The Bill adds the crime of enticing away a minor to the list of offenses requiring appointment of a Guardian ad Litem. House File 280 requires the expenses to be assessed as court costs. Once collected, the receipts are deposited in the General Fund. In addition, the Bill requires the Judicial Branch to pay reasonable expenses for the Guardian ad Litem.

### **Background**

1. Current law requires these specific Guardian ad Litem to be attorneys.
2. Current law provides these Guardian ad Litem to be appointed in the following types of cases where the child (defined as less than 14 years of age) is a prosecution witness: sex offenses defined in Chapter 709, Code of Iowa, incest, neglect or abandonment of a dependent person, child endangerment, or sexual exploitation of a minor.
3. There were 26 offenders charged with the offense of enticing away a minor in FY 2008; most were charged at the aggravated misdemeanor level. It is not known how many of these cases involved a victim under age 14. Therefore, the additional expenses that may be incurred for adding this offense to the list of eligible offenses cannot be determined.
4. Under current practice, these expenditures are paid from the General Fund by the State Appeal Board. Counties are not currently paying any of these costs.
5. Current expenditures are less than \$10,000 annually.

### **Assumptions**

1. The number of cases where a Guardian ad Litem may be appointed in cases for enticing away a minor is unknown. It is anticipated the number of cases will be few.
2. The current collection rate for court costs cannot be determined, but is expected to be minimal.

### **Fiscal Impact**

The fiscal impact of HF 280 is expected to be minimal. The Bill shifts minimal expenditures from the State Appeal Board to the Judicial Branch operating budget.

## **Sources**

Iowa State Association of Counties  
Criminal and Juvenile Justice Planning Division of the Department of Human Rights  
Office of the Attorney General  
Judicial Branch

/s/ Holly M. Lyons

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February 16, 2009

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56](#), Code of Iowa. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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